



Zoning Administrator NOTICE OF DECISION

Date: October 12, 2015
Applicant: Manuel Limon, Jr.
Case No.: DRC-13-09
Site Address: 1084 Broadway, Chula Vista, Ca.
Project Planner: Richard E. Zumwalt, A.I.C.P.

Notice is hereby given that on October 12, 2015, the Zoning Administrator considered an Administrative Design Review application and plans filed by Manuel Limon, Jr. (Applicant/Owner), requesting approval to construct a small mixed-use (residential/commercial) project (Project) on a 5,750-sq. ft. parcel located at 1084 Broadway in Chula Vista, CA. (Site). The Project site is vacant and it has a zoning designation of Central Commercial (CC), and a General Plan Designation of Mixed Use Residential (MUR), which permit the construction of mixed use residential and commercial projects.

The request is for approval of a Design Review permit to construct a 3-story, 34-foot high, mixed use building with three multi-family residential condominium units, one 367 square foot commercial suite, and 8 parking spaces. The multi-family residential component of the Project includes two 3-bedroom units of 1,475 square feet and 1,516 square feet, respectively, and one 1,190 square foot, 2 bedroom unit.

The Director of the Development Services Department has reviewed the proposed Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 3 Categorical Exemption pursuant to 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines because the Project proposes not more than six multi-family residential units located in an urbanized area where all public services and facilities are available to serve the project. The Project would not involve the use of significant amounts of hazardous substances. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code (CVMC) Section 19.14.582.C, and based on the applicable design guidelines of the Design Manual, has conditionally approved the Project, based upon the following findings:

- 1. That the proposed development is consistent with the development regulations of the Chula Vista Municipal Code, and other applicable regulatory documents;*

The Project is designed to comply with the applicable mixed-use development standards of the CC zone (CVMC19.58 205). The proposed mixed-use Project is also consistent with, and implements the uses envisioned by the Mixed Use Residential Designation of the General Plan.

2. *The design features of the proposed development are consistent with, and are a cost effective method of satisfying the City of Chula Vista Design and Landscape Manuals.*

The building architecture will be of a contemporary design intended to complement its surroundings. The Project will incorporate storefront retail on the first floor along Broadway that addresses the street and two-story multi-family residential units on the second and third floors, arranged around a common usable open space area. The front façade will incorporate variable architectural elements that include staggered 5 and 10 foot front yard setbacks, residential balconies, variable roof forms and awnings that will create architectural interest along the street. The building will include vertical and horizontal plane offsets, and enhanced window treatments. Building materials include stucco, metal roofing, and foam window trim. Earth tone colors such as Cappuccino and Amaretto for stucco, Adobe Clay Roof and Burgundy trim are proposed. Landscaping will be provided at the commercial and residential entries and in the parking lot. Therefore, the design is consistent with the Mixed-Use guidelines of the Design Manual and with the City Landscape Manual

CONDITIONS OF APPROVAL

The following conditions of approval shall be satisfied by the Applicant / Property Owner to the satisfaction of the Director of Development Services Department prior to the issuance of any building permit for the Project, unless otherwise specified in the conditions of approval:

DEVELOPMENT SERVICES DEPARTMENT:

PLANNING DIVISION:

1. The Project Site shall be improved and maintained in accordance with the DRC-13-09 plans approved October 12, 2015, which include the site plan, floor plan, and concept landscape plans date-stamped March 11, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Applicant/Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

3. The Applicant shall obtain approval of a sign permit from the City for construction of any new signs. Signs shall comply with the Sign Ordinance, CVMC Chapter 19.60, including the CVMC 19.60.540, Central Commercial (CC) zone sign regulations.
4. The Applicant shall obtain approval of Tentative Parcel Map (TPM) 15-001 and a final Parcel Map for the Project, and comply with any applicable TPM conditions of approval and Parcel Map requirements prior to approval of building permits in reliance on this Design Review Permit.
5. Prior to issuance of the building permit, the Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DQ1727.
6. The Applicant shall submit building plans for review and approval by the City, including the following exterior improvements:
 - a. If external down-spouts are proposed for roof- drainage, they shall be painted to match the background wall color.
 - b. Provide detailed plans for the trash enclosure to ensure compliance with the Recycling and Solid Waste Manual. The enclosure shall be provided with a solid roof with minimum height of 10 feet to the lowest point of roof. The site shall be graded in such a way as to prevent run-on into, and run off from, the trash enclosure area.
 - c. The building plans shall include a plan and elevation showing a 6 foot high zoning wall constructed of solid masonry or stucco fencing with a decorative design, to be located along the southern property line, to ensure compliance with CVMC wall and fencing requirements and to buffer the project from adjacent automotive uses. The combined height of the retaining wall and zoning wall shall not exceed 6 feet.
 - d. The private balcony facing Broadway shall be constructed of tempered glass as per the DRC plans, or other sound-attenuating material, with no cracks or gaps through the wall, to provide noise attenuation of traffic noise.
7. Prior to the issuance of a building permit, the Applicant shall submit a noise letter report to the City of Chula Vista Development Services Department demonstrating that noise levels would be less than 45 dBA in habitable rooms of the residential units, to ensure compliance with CVMC interior noise standards.

8. If the proposed design includes exterior HVAC equipment, the Applicant shall submit noise letter report prepared by a qualified consultant to the City of Chula Vista Development Services Department to demonstrate that noise generated by the equipment at the property line of any adjacent single-family residentially-zoned property, would not exceed 45 dBA Leq between the hours of 10:00 p.m. and 8:00 a.m. weekends and 10:00 p.m. and 7:00 a.m. weekdays, and 55 dBA Leq between the hours of 8:00 a.m. and 10:00 p.m. weekends and 7:00 a.m. and 10:00 p.m. weekdays.
9. The Applicant shall, after issuance of the building permit during construction, and after issuance of the Certificate of Occupancy, ensure that the project operates in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
10. This Design Review Permit authorizes only the improvements specified in the project description for DRC-13-09 included in the project application and plans. Any new improvements, modification/expansion of improvements or other activities not authorized under this Design Review Permit shall be subject to the review and approval of the Zoning Administrator.
11. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.600 of the Chula Vista Municipal Code. Failure to comply with the conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
12. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Review Permit.
13. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Design Review Permit.
14. The Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this design review permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant shall acknowledge their agreement to this provision by executing a copy of this

design review permit where indicated, above. Applicant's compliance with this provision is an express condition of this design review permit and this provision shall be binding on any and all of Applicant's successors and assigns.

BUILDING DIVISION:

The Applicant shall submit the required application, plans and fees for building permits, to the satisfaction of the City Building Official, that comply with the following requirements:

15. The Building Permit shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.
16. This project shall be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].

LANDSCAPE ARCHITECTURE DIVISION:

17. Applicant shall provide a revised concept landscape plan including the second story common area showing recreational amenities for the residents, such as tables, chairs, benches, a barbecue or similar, and urban landscaping features such as large self-watering pots.
18. The total landscaping planned for the project is less than 2,500 square feet, therefore the Applicant shall install landscaping and irrigation as shown on the revised conceptual landscape plan.
19. The new dwelling units formed by this map will generate park obligations in accordance with Chapter 17.10 of the Municipal Code. The Applicant shall comply with Chapter 17.10 of the Chula Vista Municipal Code. The proposal includes 3 new multi-family homes, so the Park Acquisition and Development (PAD) Fees calculated at current rates are as follows:

- a. 3 multi-family homes x \$7,607/unit land acquisition fees = \$22,821
(Note that the fees are subject to an annual review and may increase.)

The PAD Fee is adjusted on an annual basis on October 1 based on the Engineer Construction Cost Index. The payment of the PAD Fee amount in place at the time of the recording of the Final Map is required.

ENGINEERING–LAND DEVELOPMENT DIVISION:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, construction permit or at the timeframe specified in the condition, as determined by the Land Development Division:

20. The proposed driveway shall comply with CVCS-1A and conform to City's sight distance requirements; landscaping, street furniture, and signs shall not obstruct drivers' visibility.
21. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
22. The following fees shall be paid by Applicant at building inspection submitted:
 - a. Sewer Capacity Fee
 - b. Traffic Signal Fee
 - c. Sewer Basin DIF
 - d. Other Engineering Fees per the Master Fee Schedule
23. The Project is not a "Priority Development Project", but is subject to Standard Permanent BMP requirements. Clearly show on the site plan how the proposed Low Impact Development (LID), Site Design BMPs, and Source Control BMPs will be incorporated to the Project. Furthermore, the Project is subject to HMP requirements that with the new NPDES Municipal Permit may become more strict.
24. The Applicant shall obtain a Construction Permit to perform the following work in the City's right-of-way, prior to Engineering's release of any building permit:
 - a. Removal and replacement of broken or damaged curb, gutter, sidewalk, and alley per San Diego Regional Standard Drawing SDRSD G-2, and G-7 along the frontage and rear of the project's property.
 - b. Removal and replacement of existing driveway with curb, gutter, and sidewalk.
 - c. Depending on the condition of the sewer lateral, the Applicant may be required to replace it.
25. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
26. Plans shall clearly show all proposed and existing underground systems, such as drainage, sewer and water, and how they connect to the public systems.
27. Any private facilities encroaching in the City's right-of-way or a City's easement will require an encroachment permit.

28. As part of the Parcel Map approval-process, CC&Rs will be required to address the maintenance of private facilities that will include, but not be limited to the BMPs, drainage and sewer facilities, parking, and landscaping.

FIRE DEPARTMENT:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit for the project:

General:

29. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), and Mechanical Code as adopted and amended by the State of California and the City of Chula Vista.

Fire Department Underground Fire Service Utilities:

30. For 5,339 square feet of Type VA construction, this Project will require a fire flow of 1,500 gallons per minute for a 2-hour duration at 20 p.s.i.

Automatic Fire Sprinkler Systems:

31. This Project shall be protected throughout by an approved automatic fire sprinkler system.

Fire Alarm System:

32. This Project shall be protected throughout by an approved fire alarm system
33. The Applicant shall ensure that the project operates in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 12th day of October, 2015.



Michael W. Walker,
Zoning Administrator